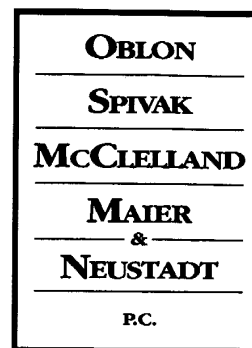


1652



Docket No.: 209794US0

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

ATTORNEYS AT LAW

RE: Application Serial No.: 10/024,197

Applicants: William M. CANFIELD

Filing Date: December 21, 2001

For: HIGHLY PHOSPHORYLATED ACID BETA-
GLUCOCEREBROSIDASE AND METHODS OF
TREATING GAUCHER'S DISEASES

Group Art Unit: 1652

Examiner: SLOBODYANSKY

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TECH CENTER 1600/2000

SIR:

Attached hereto for filing are the following papers:

RESPONSE TO RESTRICTION REQUIREMENT

Our check in the amount of _____ is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

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CKET NO.: 209794US0

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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF: :
WILLIAM CANFIELD : GROUP ART UNIT: 1652
SERIAL NO.: 10/024,197 :
FILED: DECEMBER 21, 2001 : EXAMINER: SLOBODYANSKY
FOR: HIGHLY PHOSPHORYLATED ACID BETA-GLUCOCEREBROSIDASE AND
METHODS OF TREATING GAUCHER'S DISEASE

RESPONSE TO RESTRICTION REQUIREMENT

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

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Responsive to the Official Action mailed February 27, 2003, the Applicant elects, with
traverse, Group III, Claims 12-19 for further prosecution.

REMARKS

The Office has restricted this application as follows under 35 U.S.C. §121:

- Group I: Claims 1-3, 9-11 (in part) and 4-7, drawn to a method of making a highly phosphorylated acid β -glucocerebrosidase (GBA) using hybrid GlcNAc phosphotransferase encoded by SEQ ID NO:1.
- Group II: Claims 1-3, 9-11 (in part) and 8, drawn to a method of making a highly phosphorylate GBA using human GlcNAc phosphotransferase encoded by SEQ ID NO:3.
- Group III: Claims 12-19, drawn to a highly phosphorylated GBA obtained by the method of Claim 1, a pharmaceutical composition comprising thereof and methods of use thereof.
- Group IV: Claims 20-25, 31-33 (in part) and 26-29, drawn to a method of making a highly phosphorylated GBA using hybrid GlcNAc

phosphotransferase encoded by SEQ ID NO:1.

- Group V: Claims 20-25, 31-33 (in part) and 30, drawn to a method of making a highly phosphorylated GBA using human GlcNAc phosphotransferase encoded by SEQ ID NO:3.
- Group VI: Claims 34-41, drawn to a highly phosphorylated GBA obtained by the method of Claim 20, a pharmaceutical composition comprising thereof and methods of use thereof.
- Group VII: Claims 42-51, drawn to a highly phosphorylated GBA encoded by SEQ ID NO:24, a pharmaceutical composition comprising thereof and methods of use thereof.
- Group VIII: Claim 52, drawn to a method of making a highly phosphorylated GBA.
- Group IX: Claims 53-61, drawn to a highly phosphorylated GBA obtained by the method of Claim 52, a pharmaceutical composition comprising thereof and methods of use thereof.

Applicant has elected Group III, Claims 12-19 with traverse.

Applicant respectfully traverses on the grounds that the Office has not shown that a burden exists in searching the entire application.

Further, MPEP §803 states as follows:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on its merits, even though it includes claims to distinct or independent inventions.

Applicant submits that a search of all claims would not constitute a serious burden on the Office.

Additionally, MPEP §821.04 states:

...if applicant elects claims directed to the product, and a product claim is subsequently found allowable, withdrawn process claims which depend from or otherwise include all the limitations of the allowable product claim will be rejoined.

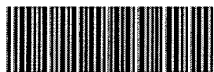
Applicant requests that upon finding that the elected group is allowable, the

corresponding non-elected process claims be rejoined. For the reasons set forth above,
Applicant contends that the Restriction Requirement is improper and should be withdrawn.

Respectfully submitted,
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